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| 10/043,676 | 01/09/2002 | James G. Vagim III | 47074/LTR/W325 | 2538 |

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EXAMINER

CHARLES, DEBRA F

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,676

Applicant(s)

VAGIM ET AL.

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Claims 1-23 and 38-45 have been cancelled. Claims 24-37 have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 24-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190

F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "deal" in claim 1 is used by the claim to mean "deal", while the accepted meaning is "car loan." The term is indefinite because the specification does not clearly redefine the term. And it makes no sense to say "a deal from a deal". Does the inventor mean " a deal from a dealer"?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24, 26, 27, 29, 30, 31, 32,33, 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al.(5878403A) and Mandler et al.(5732400A).

Re Claims 24 and 31: DeFrancesco et al. disclose computer program encoded on a computer readable medium which executes on a computer to

effect deal processing, the deal processing (Abstract, Fig. 1A-4, col. 2, lines 25-45) comprising:

receiving a deal from a deal(col. 7, lines 40-50);

providing a decision to the dealer of at least one of approving and rejecting the deal after the underlying documents are audited to ensure compliance with state and federal regulations(col. 16, lines 20-30).

DeFrancesco et al. disclose the invention except evaluating the deal by determining a discount, wherein the discount varies according to a probability payment model. However, in Abstract, col. 3, lines 30-67,col. 6, lines 40-67 thereof, Mandler et al. disclose(s) varying interest rates based on customer risk analysis . It would be obvious to one of ordinary skill in the art to modify the invention of DeFrancesco et al. based on the teachings of Mandler et al. The motivation to combine these references is to facilitate risk analysis and accurate risk pricing.

Claim 25 DeFrancesco et al. disclose includes a code segment that evaluates the deal utilizing at least one of a term(Fig. 3J) and an advance(Fig. 3K).

Claim 26 DeFrancesco et al. disclose the term is varied by at least one of a year of the vehicle, mileage, and a Class combined with a Customer Factor(Fig. 3J, 3E).

Claim 27 DeFrancesco et al. disclose advance is varied by at least one of a wholesale book value and a Class of the vehicle(Fig. 3J, 3E).

Claim 29 DeFrancesco et al. disclose comprising a code segment that generates a management report based on the dealer selected criteria in a pre-determined format to track dealer transactions(col. 8, lines 20-30).

Claim 30 DeFrancesco et al. disclose comprising a code segment providing security by restricting access to unauthorized individuals(col. 7, lines 30-40).

Claim 32 DeFrancesco et al. disclose wherein the database further comprises data corresponding to at least one of information about dealers across the United States, vehicle class codes, vehicle class types indicating at least one of Domestic and Imported type, wholesale vehicle book values, buyer's contact information, credit report information pertaining to each buyer, and credit guidelines(Figs. 1-4).

Claim 33 DeFrancesco et al. disclose the invention except wherein the database further comprises data corresponding to dealers preferences for products and services(col. 12, lines 30-40).

Claim 34 DeFrancesco et al. disclose wherein the database further comprises data corresponding to dealers performance metrics(col. 8, lines 20-30).

Claim 36 DeFrancesco et al. disclose wherein the database further comprises data corresponding to negative history of at least one of dealers and buyers(col. 8, lines 20-30, Figs. 1-4).

Claim 37 DeFrancesco et al. disclose wherein the data corresponding to at least one of Dealers Information, Vehicle Information, Dealer Transactions, Buyers Information, and Credit Guidelines is further divided into several individualized sub-sections corresponding to different categories(Figs. 1-4).

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. and Mandler et al. as applied to claim 24 above, and further in view of Sandretto(5812988A).

Claim 28 DeFrancesco et al. and Mandler et al. discount is varied by utilizing one of a model to determine minimum discounts for a certain sets of input and an Extra Term Model. Col. 17, lines 20-60 in Sandretto disclose The discounting models in Step 80 specify if and how cash flows are to be adjusted for inflation, the risk-return type asset pricing model to

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be used for pricing discounting, and how the discount rate is determined from the risk-return type asset model and from economic variables including an initial estimate of the risk measure for each asset. . It would be obvious to one of ordinary skill in the art to modify the invention of DeFrancesco et al. and Mandler et al. based on the teachings of Sandretto. The motivation to combine these references is to facilitate risk analysis and accurate risk pricing.

8. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. and Mandler et al. as applied to claim 31 above, and further in view of Abdel-Moneim et al.(6782375B2).

Claim 35 DeFrancesco et al. and Mandler et al. disclose the invention except wherein the database further composes data corresponding to buyers preferences for products and services. However, in Col. 8, lines 30-65, thereof Abdel-Moneim et al. disclose buyer preferences in a database. It would be obvious to one of ordinary skill in the art to modify the invention of Abdel-Moneim et al. based on the teachings of DeFrancesco et al. and

Mandler et al. The motivation to combine these references is to facilitate risk analysis and accurate risk pricing.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone

number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624

VINCENT MILLIN
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